

West and Shires Permit Scheme



Application annex for Staffordshire County
Council to operate the
West and Shires Permit Scheme

In support of WaSP scheme document Version 1.5

Issue	Status	Owner	Date	Change summary
1.0	DRAFT	WSP	20/10/19	New document
1.1	DRAFT	WSP	6/11/19	For review by SCC
1.2	DRAFT	SCC	22/11/19	Consultation release

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1 Introduction

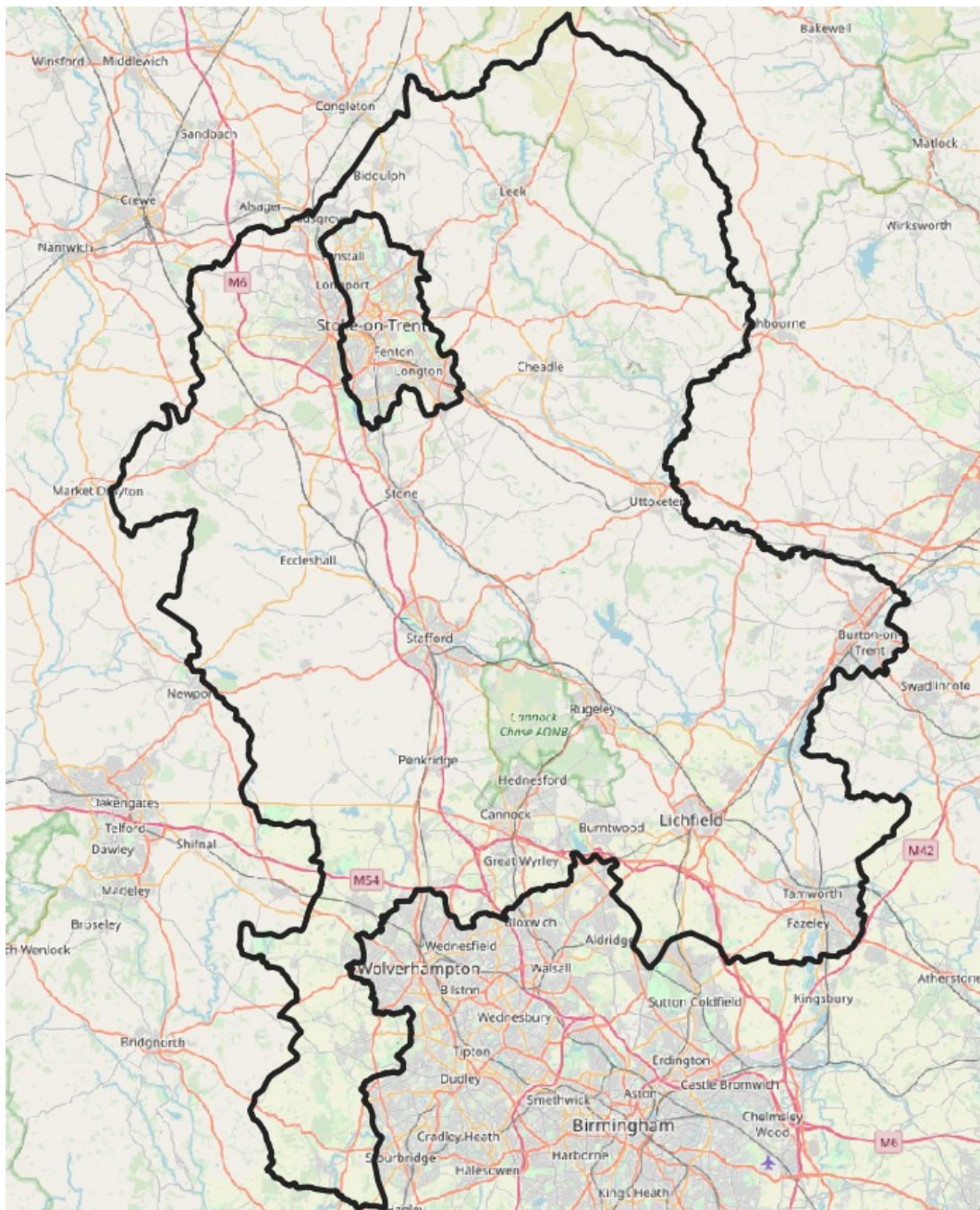
- 1.1.1.1 The West and Shires Permit Scheme (“the WaSP scheme”) has been developed under the powers provided in Part 3 of the Traffic Management Act 2004 (“TMA”) and the *Traffic Management Permit Schemes (England) Regulations 2007*, (as amended) Statutory Instrument 2007 No. 3372 (“the Regulations”) made on 28 November 2007. It is a permit scheme for the purposes of Section 32(1) of the TMA.
- 1.1.1.2 While the original concept of a ‘common permit scheme’ no longer applies following the amendments to the permit scheme regulations in 2015, the notion of a number of regional authorities working in a similar manner and using the same core permit scheme as a basis for a common approach is still valid. ‘joining’ the WaSP scheme demonstrates Staffordshire’s desire to become part of a collective effort to improve road management in the West Midlands and work with its permit scheme partners to deliver a strong Network Management Duty. All references to ‘common scheme’ or indeed the West and Shires Permit Scheme should be taken in this vein.
- 1.1.1.3 The most recent DfT guidance *Statutory guidance for permit schemes October 2015* note that this document replaces all previously issued guidance. However, many of the previous documents, although no longer statutory, form an important set of reference materials for the development and operation of a permit scheme and therefore are all referenced appropriately as part of this annex and the West and Shires Permit Scheme document itself.
- 1.1.1.4 The latest version of the West and Shires Permit Scheme is version 1.5 which forms the consultation document for Staffordshire.
- 1.1.1.5 This annex document contains information specific to Staffordshire County Council’s application to operate a TMA permit scheme for street and road works.
- 1.1.1.6 An addendum is also available separately that lists all streets within Staffordshire County Council’s geographical area that fall under the WaSP scheme.

2 Background

- 2.1.1.1 Staffordshire is a diverse county situated near the geographical centre of England and has the largest population of all the shire counties in the West Midlands. It is a county of contrasts, stretching from the fringes of the West Midlands conurbation in the south to the uplands of the Peak District National Park in the north; it shares borders with 11 other strategic authorities and has a sphere of influence that extends into the West and East Midlands and North West regions. In the south of the county the economies of the Black Country and Birmingham exert a strong influence on travel to work patterns, so too do the economies of Stoke-on-Trent, Cheshire and Derbyshire in the north and east of the county. Conversely, Staffordshire influences travel to work patterns in these areas, with 16% of the county's workforce living outside of the county.
- 2.1.1.2 There is no single dominant town in Staffordshire that acts as the county's focal point. Instead the county has a number of large self-contained settlements, market towns, villages and small dispersed settlements.
- 2.1.1.3 Transport is an enabler of economic activity; it can improve productivity, support extensive labour markets and allows businesses to benefit from agglomeration. However, if left unmanaged it can hamper economic activity. Any unreliability of the transport network represents a significant cost to the economy, as time spent in queuing traffic is not available for other activities. Unpredictable and unnecessarily long journeys add costs to businesses and can frustrate drivers. The Stafford Chamber of Commerce states that traffic congestion in the region costs each business around £20,000 a year. This comes not just from the number of vehicles on the roads nowadays, but a considerable amount from delays due to Road and Street Works.
- 2.1.1.4 Staffordshire has a considerable number of popular tourist attractions and other attractions including sites of historic significance, archaeological sites and stately homes. Tourism and leisure generates over £900m per annum and attracts more than 20m visitors per annum; well-known visitor attractions include Alton Towers, Drayton Manor Park, Cannock Chase AONB and the Peak District National Park.
- 2.1.1.5 There is a considerable volume of traffic carrying tourists into or through the area. Effective management of the highway network is vital to stimulating further growth of tourism businesses, which will lead to increased visitor numbers, ultimately benefiting other businesses and promoting wider infrastructure improvements.
- 2.1.1.6 Staffordshire's Local Transport Plan (LTP) 2011-2026 (and the associated implementation plans) sets out Staffordshire's transport objectives. Operating a permit scheme has already been identified as part of the overall transport strategy in the Cabinet Report October 2013 – Keeping Staffordshire Moving as a tool to help achieve the wider aims.
- 2.1.1.7 Permits provide greater accuracy of works timing, particularly on traffic sensitive roads. The use of conditions when granting a permit will allow Staffordshire to manage the way that works activities are carried out providing tighter control of network space. Evidence from previous successfully implemented schemes suggests that the provision and use of well-thought-out conditions and, where appropriate, enforcement action helps drive improvements in reducing occupation of the highway by works. The cost of the

permits also helps dissuade promoters from planning works unnecessarily and poorly.

- 2.1.1.8 The highway network is an essential part of the local economy and its effective management ensures that everyone benefits; from improvements in safety to all road users, journey reliability and decreased environmental impacts. A well-managed network will also aid local regeneration projects and help improve local transport further promoting the local economy.
- 2.1.1.9 Through implementing the West and Shires Permit Scheme, Staffordshire County Council plan to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road or street works and other highway events and activities through proactive management of activities on the highway. A number of the Scheme aims tie directly into Staffordshire's policy objectives, which suggests a Permit Scheme will be a fitting tool in introducing beneficial change to network management.



3 Staffordshire County Council Permit Scheme

3.1 Staffordshire County Council Addendum

3.1.1.1 This addendum to operate the WaSP scheme is for Staffordshire County Council. It contains information specific to Staffordshire that might differ from other authorities using the WaSP scheme.

3.1.1.2 All references to the Staffordshire Permit Scheme, or 'the Scheme' refers to the Council's intention to operate under the most recent common West and Shires Permit Scheme document.

3.1.2 ***Electronic Transfer of Notices (EToN) and Street Manager (SM)***

3.1.2.1 At the time of writing, the current system for sending electronic communications is defined under the EToN protocols within the *EToN Technical Specification* (ETS) version 6.

3.1.2.2 In the near future the Department for Transport (DfT) hopes to introduce Street Manager, a new digital service aimed at transforming the planning, management and communication of street and road works through open data and intelligent services. It will be for registered users from local highway authorities, utility companies and their contractors.

3.1.2.3 There will be amendments to the definition of the Technical Specification in the 2007 Noticing Regulations and the 2009 Charges Regulations so that it refers to Street Manager rather than EToN. Where communications are to be in a specific form, this will be the form specified by Street Manager, rather than EToN.

3.1.2.4 All reference to EToN in the WaSP scheme document and this Annex, and other related documents, shall be replaced with 'by electronic means' with regard to notification requirements within the Street Manager System. When the scheme is next reviewed and approved this amendment will be inserted into the text of all the scheme documentation.

3.1.3 ***Streets covered by the Staffordshire scheme***

3.1.3.1 The "specified area" as required under Regulation 7, will be the geographical area encompassed by Staffordshire County Council's boundary in respect of Staffordshire County Council.

3.1.3.2 All streets maintained by, or on behalf of Staffordshire County Council are included within this scheme (Regulation 8). These streets are identified as part of Staffordshire County Council's Local Street Gazetteer (LSG) and Additional Street Data (ASD) datasets that is created and maintained under statute and are compiled at a national hub, managed by GeoPlace.

3.1.3.3 Highways England roads and private streets are not included in the scheme.

3.1.4 ***Objectives and measures***

3.1.4.1 Staffordshire County Council will use the objectives and measures as described in the WaSP scheme and associated guidance issued by either the Department for Transport or HAUC.

3.1.4.2 Note that the version of the WaSP scheme (v1.5) that is being consulted on still contains reference to previous KPIs and Operational Measures that may have been superseded.

3.1.5 Strategically Significant (SS) and Locally Significant (LS) Streets

- 3.1.5.1 Strategically significant streets include traffic-sensitive streets (defined under Regulation 16 of *The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.*) as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in Section 1.3 of the statutory *Specification for the Reinstatement of Openings in Highways* (SROH).
- 3.1.5.2 In addition, under the WaSP scheme, the Permit Authority may include other streets that are significant locally, for instance streets linking rural communities where the impact from activities on the highway could be severe. This definition was given in the DFT document *Permit Schemes – Additional Guidance (January 2013)*. While this document has been withdrawn, the principal of Locally Significant Streets remains within the WaSP scheme.
- 3.1.5.3 Staffordshire County Council may designate a number of additional streets over and above the ‘traffic sensitive’ network as Locally Significant. In general, these would be classed along the following considerations.
- Village Route: Road identified as being strategic to Village/Hamlet, in particular some villages with only one or two roads in and out of the village are particularly vulnerable to disruption from even small-scale activities on these roads
 - Commuter/Tourism Route: Road identified as high-volume use. A particular problem with these roads is the scale of diversion routes which can often be 40 or 50 miles
 - Diversion Route: Road identified as being used as diversion route, for instance off Highways England roads, or at times of flooding
- 3.1.5.4 A full list of all streets included in the permit scheme, with an indication of those considered strategically significant will be available prior to implementation of the permit scheme. These streets are also identified within Staffordshire County Council’s ASD. Because of the limitation on both the current EToN specification and the National Street Gazetteer Data Transfer Format, these streets, for the purposes of a permit scheme, are assigned in the local street gazetteer as ‘traffic sensitive’, while having a textual indication that they are classed as “LSS”.
- 3.1.5.5 Under the West and Shires Permit Scheme, streets that are classed as LS Streets do not fall under the higher Section 74 charges for overruns, nor do LS streets have a timing band associated with them like TS streets. However, they do attract a higher permit charge to reflect the greater importance placed on them in terms of coordination and potential for disruption.

3.1.6 Fee Levels

- 3.1.6.1 Staffordshire County Council has set their fee levels in accordance with the DFT advice documents and in accordance with the maximum fee levels specified in Regulation 30.
- 3.1.6.2 The levels set reflect Staffordshire County Council’s commitment to keeping charges proportionate to the level of work done in issuing a permit. However, given the number of annual activities taking place within Staffordshire’s area, and the consideration that a permit scheme should cover the authorities cost of operating it (for Statutory Undertakers) as well as be cost neutral, Staffordshire have made the decision to charge for all categories of works, on all streets.
- 3.1.6.3 This ensures Staffordshire County Council are able to operate the WaSP scheme in a rigorous and effective manner, while still focussing on more significant activities and those taking place on streets where disruption is likely to be highest

while ensuring that those communities and businesses that rely on the more rural network can still benefit from the application of a permit scheme on these roads.

- 3.1.6.4 There is a charge for Permit Variations on all streets. This reflects the added work required to manage changed situations and also is an incentive for activity promoters to plan and submit permits accurately in the first instance.

Activity type	Charge on strategically significant streets	Charge on non-strategically significant streets
Provisional Advance Authorisation	£105	£75
Major activities (over 10 days duration AND major activities requiring a TTRO)	£196	£150
Major activities (4 to 10 days duration)	£130	£75
Major activities (up to 3 days duration)	£65	£45
Standard activities	£51	£45
Minor activities	£36	£28
Immediate activities	£50	£40
Permit variation	£45	£35

3.1.7 *Waiving and reduced permit fees*

- 3.1.7.1 Section 9.3 and 9.4 of the WaSP scheme document details when a fee may be waived or discounted.
- 3.1.7.2 Additionally, Staffordshire County Council may waive an individual charge or offer a discount where it considers such action is merited.
- 3.1.7.3 Staffordshire County Council intends to follow DfT or HAUC guidelines with respect to the discounting of fees for works that take place wholly outside traffic sensitive times.

3.1.8 *Fee Review*

- 3.1.8.1 Staffordshire County Council is committed to undertaking a review of its level of fees in accordance with Regulation 16A to ensure that the overall fee income does not exceed the allowable costs in running the scheme. The outcome of the fee reviews will be published and open to public scrutiny.
- 3.1.8.2 If a sustained surplus or deficit occurs over a period of time, the fee levels will be adjusted accordingly.

3.1.9 *Invoicing arrangements*

- 3.1.9.1 Problems with electronic systems, or incorrect sequencing of notices, or other reasons may lead to differences between the activity promoter and the Permit Authority over what each party consider applicable charges.
- 3.1.9.2 Staffordshire County Council intend to provide a schedule of charges to each activity promoter on a monthly basis in the form of a 'draft invoice'. This will be

submitted to the activity promoters for them to review and reconcile with their own systems.

3.1.9.3 Following this submission there will be a one-month period to enable the activity promoter to agree the charges with Staffordshire County Council.

3.1.9.4 Following agreement, or where no response has been submitted, Staffordshire County Council will submit a final invoice under its normal terms of payment.

3.1.9.5 The WaSP scheme Operational Guidance will provide further details on this process and invoicing and payment terms.

3.1.10 Conditions

3.1.10.1 Staffordshire County Council's implementation of WaSP scheme follows the DfT Statutory Guidance on permit conditions, or any amendments or guidance issued in future.

3.1.10.2 This current guidance is contained in the *Statutory guidance for Highway Authority Permit Schemes – Permit scheme conditions (March 2015)*.

3.1.11 Details of transitional Arrangements

3.1.11.1 Staffordshire County Council intends to commence the permit scheme on 1st April 2020. This is the same date as the proposed transition from EToN to Street Manager, therefore the two changeover processes are aligned.

3.1.11.2 The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.

3.1.11.3 The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.

- The permit regime will apply to all activities where the administrative processes, such as application for a permit or Provisional Advance Authorisation (PAA), start after the commencement date.
- Any Notices raised in EToN before the commencement date must be completed and registered in EToN by no later than 30th April 2020.
- All new works raised after the commencement date must be raised as a Permit Application or PAA in Street Manager.
- Any works raised in EToN planned to start on or after the 1st May 2020, or any 'in progress' works across this period will need to be cancelled and re-raised as a Permit Applications or PAA (in Street Manager) before 1st May 2020.

3.1.11.4 Where section 54, 55 or 57 notices are submitted but require cancelling and amending to a PAA/PA, Staffordshire County Council will ensure that road space already 'booked' through the coordination processes will not be affected, and will assist the activity promoter by providing early start agreements as required.

3.1.11.5 Staffordshire County Council will proactively examine their street works register in advance of implementation to help identify those Notices that may need to be amended in this way in advance of the scheme commencement and throughout the first month of operation.

3.1.11.6 Where an activity promoter considers that in certain circumstances it would be beneficial to agree to follow a different rule for transition of notices to permits, they should submit this in writing to Staffordshire prior to the scheme coming into effect. Any request will be judged on a case-by-case basis with due regard to both the additional needs of the promoter, any additional workloads for the authority and with consideration of parity for other promoters.

3.1.11.7 These transitional arrangements for Notices depend on the simultaneous transition from EToN to Street Manager; should implementation of Street Manager not take place as planned on 1st April then Staffordshire County Council will notify all promoters of any changes to the transition arrangements.

3.1.11.8 As required in Regulation 3, the Permit Authority will give a minimum of 4 weeks' notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme.

3.1.12 *Waiving of fees during transitional period*

3.1.12.1 The following applies to ALL promoters during the first calendar month of operation (from 1st April 2020 to 30th April 2020).

3.1.12.2 Staffordshire County Council will operate the WaSP scheme for the first calendar month with no charge for permits issued.

3.1.12.3 In addition, Staffordshire County Council will discount Fixed Penalty Notices for Regulation 20 offences (Offence to breach a permit condition) for this first calendar month to a zero charge.

3.1.12.4 Staffordshire County Council will monitor offence levels and where it is considered that an activity promoter has high levels of non-compliance and is not showing the capability, or meeting Staffordshire County Council's expectation to improve over time, then the FPN charges will be increased sooner to act as an additional driver to improve practices.

3.1.12.5 This bedding-in period will allow a transition that will not penalise genuine mistakes and allow both Staffordshire County Council and activity promoters to work closely together to ensure the first few months of the WaSP scheme implementation concentrates on the important aspects of the scheme and provides an opportunity for concerted dialogue to ensure the success of the WaSP scheme as a whole.

3.2 Permit Scheme Resourcing

Staffordshire County Council's Network Management team will operate geographically, for the purposes of permitting and permit compliance inspections.

4 Significant infrastructure projects

- 4.1.1.1 A permit scheme requires Staffordshire County Council to take into account significant infrastructure projects that have a significant impact on the economic policy of the region or the UK as a whole.
- 4.1.1.2 Section 9.4.7 provides for the WaSP scheme authorities to discount permit application fees for these kinds of activities.
- 4.1.1.3 This is in addition to the WaSP scheme stated purpose to ensure that permits do not hinder these kinds of project and should be used as a tool to help manage the activities on the ground, while not detracting from the Authority's aim to deliver a safe and minimally disrupted network. It is key to the scheme that it does not unduly obstruct activity promoters in the work that they do.
- 4.1.1.4 Staffordshire County Council have a number of large developments that are currently in the planning process. It is anticipated that section 9.4.4 of WaSP will enable them to ensure that new connections or diversionary works are exempt from permit fees.

5 Regulatory Compliance

5.1.1.1 The following table shows which sections of the scheme relate to which regulations

Regulation	Am'd Reg	WaSP paras/other	Comments
PART 1 - INTRODUCTION			
1. Citation, commencement, and application		N/A	
2. Interpretation	3	N/A	
PART 2 – APPLICATION FOR SCHEME	4		
3. Consultation for new permit schemes	5	1.1.1.9 1.1.1.10	Consultation undertaken as per regs, and responded to.
4. Procedural requirements for submitting new permit schemes	6		
a) the name of every person who is a highway authority for one or more of the specified streets		4.1 and Annex	
(b) what the objectives of the Permit Authority are for that permit scheme;		2.3	
(c) how the Permit Authority proposes to ensure that it will comply with the obligation set out in reg. 40		1.1.1.6	
(d) how and when the Permit Authority proposes to evaluate that permit scheme so as to measure whether the objectives for it have been met;		2.4 and Chapter 14	Plus Regulation 16A - evaluation of scheme (1.1.1.11)
(e) the costs and benefits (whether or not financial) which the Permit Authority anticipates will result from that permit scheme and how such costs and benefits will be demonstrated when the permit scheme is evaluated in accordance with regulation 16A;		CBA and Economic appraisal	Submitted separately. See also r.16A
(f) the evidence considered by the Permit Authority when it decided to include any provisions in the permit scheme as to the fees which may be charged, and the reasons for its decision;		Fee Matrix	Submitted separately
(g) the date on or after which the Permit Authority proposes that the permit scheme should come into effect		Annex	Submitted separately
(h) details of any transitional arrangements which the Permit Authority would wish to apply in relation to the permit scheme coming into effect; and		Annex	Submitted separately
(i) the responses received to the consultation undertaken under regulation 3		Consultation undertaken	Following consultation, this Annex will set out any amendments post consultation.
4(2). The Permit Authority shall confirm in the permit scheme that the scheme has been prepared in accordance with these Regulations and that it had regard to the Guidance		1 and annex	
5. Varying and revoking permit schemes at the Permit Authority's request	7	15	
PART 3 – PERMIT SCHEME CONTENT			
6. Specified works		4.3	
7. Specified area		4.1	
8. Specified streets		4.1 and Annex	
9. Permits; specified streets, works and information contained within	8	5	note amendment provided for in 5.1.1.3. Note required information also dictated by relevant communications protocols

Staffordshire WaSP scheme Application Annex

9(3) scheme states which specified people do not have to apply for permits		4.3	
10(1)(2)(5). Conditions attached to permits	9	6	Note amendment fully covered in Chapter 6
10(3) Provision to revoking a permit		8.4	
11. Provisional advance authorisations		5.3	
12. Permit reference numbers		5.5.2	Note dictated by relevant communications protocols
13. Conditions on works to which requirement to obtain permit does not apply		6	Relating to "Immediate activities" which are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
14. Criteria to be taken into account by Permit Authority		5.7	In relation to notices issued under NRSWA Section 58/58A
15. Review, variation and revocation of permits and permit conditions		7 and 8	
16. Time limits on Permit Authority		7	
16A. Evaluation of permit schemes		1.1.1.11 and Annex	
PART 4 - PUBLICITY			
17. Notification of permit scheme	11	Annex	Notification to be submitted four weeks in advance of proposed start of scheme
PART 5 - SANCTIONS			
18. Action which may be taken for unauthorised works		11	
19. Offence to undertake works without a required permit		11	
20. Offence to breach a permit condition		11	
21. Giving Fixed Penalty Notices		11	
22. Time limit for giving fixed penalty notice		11	
23. Form of fixed penalty notice		11	Note set out in Code of Practice and relevant communications protocols
24. Penalties payable when fixed penalty notice given		11	
25. Discounts for early payment		11	
26. Saving from proceedings where fixed penalty notice given		11	
27. Withdrawal of fixed penalty notice		11	
28. Application of sums received from fixed penalties		11	
PART 6 - FEES			
29. Prescribed costs		9	Plus Fee Matrix
30. Power to charge a fee and discounts	12	9	Note amendments covered by discounts
31. Savings from the payment of fees and discounts		9	
32. Application of sums received as fees		9	Plus financial statement
PART 7 - REGISTERS			
33. Duty to maintain register		3.4.2	
34. Access to register		Appendix C	
PART 8 – OTHER ENACTMENTS			
35. Application of Part	13		
36. Disapplication of enactments		Appendix B	
37. Modification of enactments		N/A	
38. Modification of Regulations		N/A	
PART 9 - MISCELLANEOUS			
39. Service of documents, etc		N/A	
40. Non-discrimination		1.1.1.6, 2 and 14	

6 APPENDICES

- 6.1.1.1 The following appendices (some available as separate documents) will provide the additional information required by the Authority to consider prior to making the Order for the scheme to come into effect.

6.2 Summary of any changes following consultation

6.3 EToN and Street Manager compliance statement

6.4 Financial requirements statement

6.5 Evaluation statement

6.6 Accompanying documents

List of documents accompanying this submission to Staffordshire County Council authorised person to make the order.

[END]